Case 1:08-cv-00522-LGF Document 12 Filed 07/16/08 Page 1 of 10

United	States District C	Court District
Varne		Prisoner No. Case No. C 17 O E O O Z
BUGA	ALein G. Joh	05-6-0122
Yace of Cor		1 74115 CORRECTIONAL FACILITY, 247 FIARAIS ROAD
to an of Plan	Bedford H	1115, New YORK 10507
	index Aiguni renow	V.O
	y General of the State of:	a soli solowine a solos
-		PETITION
		20 -
1. N	ame and location of o	ourt which entered the judgment of conviction under attack
		ZS P
	ate of judgment of co	1 ± 0
3. L	ength of sentence $ {\color{gray} \underline{}} $	7/2 years with 5years =
4. A	lature of offense involu	ved (all counts)
	Attempted	Murrier 2nd degree -110-125.25 ==================================
-		
5. \	Vhat was your plea? (Check one)
	a) Not guilty	
	b) Guilty	
	c) Nolo contendere f vou entered a quilty	plea to one count or indictment, and a not guilty plea to another count or
	ndictment, give details	
1	1	
6.	If you pleaded not guit	ity, what kind of trial did you have? (Check one)
	(a) Jury	
	(b) Judge only	
7.	Did you testify at the t	rial?
	Yes D No	
8.		he judgment of conviction?
	Yes 🖾 No	

Case 1:08-cv-00522-LGF Document 1 Filed 07/16/08 Page 2 of 10 (SEE LEXALIBIT C) If your answer to 8, was "yes," attach a copy of the appeals court decision to this petition and answer the 9. following: Appollate Division, 4th DED (a) Name of court (e.g., NYS Sup. Court, 4th Dept.) Agrenor MARCH 110,200 (c) Date of result and citation, if known Apellant was deviced her focted and state

(d) List all grounds you raised (1) constitutional Rights to flux Place so and lequis I place transfer constitutional wild constitutional repetitional is a few and is by the pulphase discrementally exercise of a person phase challenge Did you seek further review of the appeals court decision by a higher state court (e.g., the NYSCourt of Appeals)? 10. (PETITIONER has lost this RELORD) If your answer to 10, was "yes," attach a copy of the higher state court decision to this putition and answer the 11. following: (a) Name of court Court 9 appeals (b) Result <u>deried</u> (c) Date of result and citation, if known applications application of the citation of the company of the citation of the citat (d) List all grounds you raised (1) Exhibit D 12. Did you file a petition for certiorari in the United States Supreme Court? Yes 13: If your answer to 12, was "yes," attach a copy of the United States Supreme Court decision to this petition and please answer the following with respect to each direct appeal you asked the United States Supreme Court to review . 3 .

(0)	Date of result and citation, if known
(c)	List all grounds you raised (1)
	(2)
	(3)
	(4)
app	ner than a direct appeal from the judgment of conviction and sentence, have you previously filed any petition olications, or motions (e.g. a petition under NY CPL § 440, a state habeas petition, or a previous petition der 28 U.S.C. 2254) with respect to this judgment in any court, state or federal?
Ye	
	your answer to 14, was "yes," attach a copy of that court's decision to this petition and give the following ormation:
(a)	Name of court
(b)	Nature of proceeding
(c)	Date Filed
(d	List all grounds you raised (1)
	(2)
	(3)
	(4)
(1	e) Did you receive an evidentiary hearing on your petition, application, or motion? Yes No

172	(f) Result
	(g) Date of result
16.	If your answer to 14, was "yes" and you also filed a second petition, application, or motion, attach a copy of that court's decision to this petition and give the same information:
	(a) Name of court
	(b) Nature of proceeding
	(c) Date Filed
	(d) List <u>all</u> grounds you raised (1)
	(2)
	(3)
	(4)
	(e) Did you receive an evidentiary hearing on your petition, application, or motion? Yes No (f) Result
	(g) Date of result
	As to any third, fourth, etc. petition, application, or motion, attach a copy of that court's decision to this petition and give the same information asked for under 15, and 16.
17.	If your answer to 14, was "yes" and if the court did not grant the petition(s), application(s), or motion(s) you listed under 15, and 16,, did you appeal to an intermediate court of appeals (e.g., the New York State Court of Appeals the Second Circuit Court of Appeals)?
	Yes D No D
18.	If your answer to 17, was "yes," attach a copy of the appeals court decision to this petition and answer the following regarding each petition, application, or motion:
	(a) Name of court
	(b) Date Filed
	(c) Result

Contract of					
(4)					
	appeal to the	highest s	state co	urt (e.g.,	the NYS Court of Appeals) or the United States Supreme tition(s), application(s), or motion(s) you listed in 15, and 16.?
(a) First	petition	Yes		No	
(b) Sec	and petition	Yes		No	
(c) Thire	d petition	Yes		No	
[List any	y other petition	and ind	icate ye	s or no.)	1
For eac		r în 19., ;	attach a	copy of	f that court's decision to this patition and give the following
(a) Nan	ne of court				
(c) Res	ult				
(d) Dat	e of result and	citation.	if know	n	AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA
(e) List	all grounds yo	xu raised	(1) _		
100					
(2)					
(3)		1000			
(4)				7.00=000000	
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If you not:	did <i>not</i> appeal	from the	advers	se action	on any petition, application, or motion, explain briefly why you d
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22. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting. same.

CAUTION: In order to proceed in federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. See 28 U.S.C. §2254(b). If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date. See 28 U.S.C. §2244(b).

For your information, the following is a list of the most frequently raised grounds for relief in habeas corous proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, you should raise in this petition all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- Conviction obtained by use of coerced confession. (b)
- Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure. (c)
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against salf-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- Conviction obtained by a violation of the protection against double jeopardy. (g)
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- Denial of effective assistance of counsel. (i)
- Denial of right of appeal.

 Denial of right of appeal.

 Appealment was denied her federal and state constitutional appealment was denied her federal and state constitutional.

 Ground one: Rights to DUE process and Equal protection (U.S. Const. Amend.)

 Ground one: Rights to DUE process and Equal protection (U.S. Const. Amend.) by the (i)

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	(500	x Euhib	ix	CA		
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	Supporting FACTS (state briefly without citing cases or law):
	(see Exhibit A)
C.	Ground three: CANICTIONS IN TIDIATION O YOUR ON STATES CONSTITUTIONAL RIGHTS, ALTERANTIVELY, The VERDICET IS ADDICATED Supporting FACTS (state briefly without citing cases or law):
	(SEE Exhibit A)
D.	Ground four. The court imperpently devised potitioners required that
	Supporting FACTS (state briefly without citing cases or law): SEE EXHIBIT A)
If yo	ou did not previously present any of the grounds listed in 22A, 22B, 22C, and 22D in any other court, state of eral, state briefly what grounds you did not present and give your reasons for not presenting them:
_	

Supporting TACTS (SHATE DELEY) without citing CASES OR IAWA!

(See Exhibit A)

f. Ground six: Interective Assistance of Coursel

(See Exhibit E)

(f) In any post-conviction proceeding PLD St. (g) On appeal from any adverse ruling in a post-conviction proceeding		Yes 150 No □
(c) Date filed CPL 440 10 to be submitted before in about a toker 2008. (d) List all grounds you raised (1) Interfect the bosistance of the control of the name and address. If known, of each attorney who represented you in the following stages of the judgment you challenge in this petition: (a) At preliminary hearing the Doddstin, 42 Delaware then us the Sufface in the petition. (b) At arraignment and plea than Doddstein. (c) At trial alan Doddstein. (d) At sentencing alan Doddstein. (e) On appearant Document in the local theory. (f) In any post-conviction proceeding along the same time? (g) On appeal from any adverse ruling in a post-conviction proceeding. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same containing and centuring afficiently, petitioned is currently optaining and centuring afficiently, afficiently, which when optained,		folk Name of an et
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(3) (4) Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you challenge in this petition: (a) At preliminary hearing Alan D. GoldStin, 42 Telaware Arenue, Suite Sa Buffalo, N.y. 14202 (b) At arraignment and plea Alan D. GoldStein (c) At trial Alan D. GoldStein (d) At sentencing Alan D. GoldStein (e) On appear Paul D. Curtin, The Legal Aid Buffalo Deutyclas II (7) (9) On appear Paul D. Curtin, The Legal Aid Buffalo Deutyclas II (9) On appear paul D. Curtin, The Legal Aid Buffalo Deutyclas II (9) On appear paul D. Curtin, The Legal Aid Buffalo Deutyclas II (9) On appear paul D. Curtin, The Legal Aid Buffalo Deutyclas II (9) On appear paul D. Curtin, The Legal Aid Buffalo Deutyclas II (9) On appear paul D. Curtin, The Legal Aid Buffalo Deutyclas II (9) On appear paul D. Curtin, The Legal Aid Buffalo Deutyclas II (9) On appear paul D. Curtin, The Legal Aid Buffalo Deutyclas II (9) On appear paul D. Curtin, The Legal Aid Buffalo Deutyclas II (9) On appear paul D. Curtin, The Legal Aid Buffalo Deutyclas II (9) On appear paul D. Curtin, The Legal Aid Buffalo Deutyclas II (9) On appear paul D. Curtin, The Legal Aid Buffalo Deutyclas II (9) On appear paul D. Curtin, The Legal Aid Buffalo Deutyclas II (9) On appear paul D. Curtin, The Legal Aid Buffalo Deutyclas II (9) On appear paul D. Curtin, The Legal Aid Buffalo Deutyclas II (9) On appear paul D. Curtin, The Legal Aid Buffalo Deutyclas II (9) On appear paul D. Curtin, The Legal Aid Buffalo Deutyclas II (9) On appear paul D. Curtin D. Cur		(d) List all grounds you raised (1) Treffective Assistance & that Course
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Signature of Attorney (if any)	Yes		No	<i>1</i> 2	
(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sente to be served in the future? Yes No Serefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding. Signature of Attorney (if any) clare under penalty of perjury that the foregoing is true and correct. Executed on 7-10-08 (Date)	(a) If s	so, give	name ar	and location of court which imposed sentence to be served in the future:	
to be served in the future? Yes	(b) Gi	ve date	and leng	gth of the above sentence:	
Signature of Attorney (if any) clare under penalty of perjury that the foregoing is true and correct. Executed on 7-10-08 (Date)	(c) Ha	ive you served	filed, or in the fut	do you contemplate filing, any petition attacking the judgment which imposed the sen iture?	iteni
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